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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: MOBT:175-2

Prior Application Examiner:  
E. Slobodyansky

Classification Designation:

Prior Group Art Unit: 1652

CERTIFICATE OF EXPRESS MAILING

NUMBER EL392860338US

DATE OF DEPOSIT December 16, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

*Mani L. Alvarez*  
Signature

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/137,440 filed August 20, 1998, entitled "GLYPHOSATE-TOLERANT 5-ENOLPYRUVYL SHIKIMATE-3-PHOSPHATE SYNTHASES."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/137,440 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/137,440.

☒ 2. Enclosed is a check in the amount of \$838.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$760.00
Total Claims	8 - 20 =	0 X	\$18.00 =	\$ 0.00
Independent Claims	4 - 3 =	1 X	\$78.00 =	\$ 78.00
Multiple Dependent Claim(s) -----				\$ -0-.00
<b>TOTAL FILING FEES:</b>				<b>\$838.00</b>

☒ 3. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Arnold White & Durkee Deposit Account No. 01-2508/MOBT:175-2/PAT.

☒ 4. Enclosed is a copy of the current Power of Attorney in the prior application.

- ☒ 5. Address all future communications to:

Elizabeth Graf  
ARNOLD WHITE & DURKEE  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

- ☒ 6. The prior application is presently assigned to Monsanto Company.

- ☒ 7. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☒ 8. Amend the specification by inserting before the first line the sentence: --This is a  
divisional of co-pending application Serial No. 09/137,440 filed August 20,  
1998--.

- ☒ 9. Enclosed are formal drawings.

- ☒ 10. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 09/137,440 filed August 20, 1998, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 09/137,440 filed August 20, 1998. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☒ 11. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Christopher J. Buntel, Ph.D.

Reg. No. 44,573

AGENT FOR ASSIGNEE,

MONSANTO COMPANY

ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433  
(713) 787-1400

Date: December 16, 1999

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